

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1666, CUTTACK, THURSDAY, AUGUST 29, 2013 / BHADRA 7, 1935

**SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY**
NOTIFICATION

The 29th August, 2013.

No. 9545/L.A.,—The following Bill which has been introduced in the Odisha Legislative Assembly on the 26th August, 2013 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA POLICE BILL, 2013

**A
BILL**

TO CONSOLIDATE AND AMEND LAW RELATING TO POLICE FORCE IN THE
STATE OF ODISHA AND FOR MATTERS CONNECTED THEREWITH AND
INCIDENTAL THERETO.

WHEREAS respect for promotion of the human rights of the people and protection of their civil, political, social, economic and cultural rights are the primary concerns of the rule of Law;

AND WHEREAS, it is the constitutional obligation of the State to provide impartial and efficient police service, safeguarding the interests of vulnerable sections of society including the minorities, and responding to the democratic aspirations of citizens;

AND WHEREAS, such functioning of the police personnel needs to be professionally organized, service oriented, and accountable to law;

AND WHEREAS, it is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security of State, the imperatives of good governance and respect for human rights;

AND WHEREAS, it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive agency;

BE it enacted by the Legislature of the State of Odisha in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER-I PRELIMINARY

Short title
extent and
commencement.

1. (1) This Act may be called the Odisha Police Act, 2013.
- (2) It extends to the whole of the State of Odisha.
- (3) It shall come into force on such date as the State Government may, by notification, appoint and different provisions shall come into force on different dates.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—
 - (a) “organized crime” includes any crime committed by a group or a network of persons in pursuance of its common intention of unlawful gain by using violent means or threat of violence;
 - (b) “other member of the Police Force” means any person other than Supervisory Officers and Sub-ordinate Officers appointed as Havildar or of a lower rank to that of Havildar;
 - (c) “Police Commissionerate” means a Commissionerate created under section 4 of Odisha Urban Police Act, 2003.
 - (d) “Police District” means the territorial area notified under section 7 of this Act;
 - (e) “Police Officer” means any member of the Police Force appointed under this Act and includes Special Police Officer and Additional Police Officers appointed under sections 12 or 13 but not being officers appointed to Armed Police Unit referred to in Chapter III;
 - (f) “prescribed” prescribed under this Act;
 - (g) “public place” means any place to which the public have access and includes-
 - (i) a public building and monument and precincts thereof; and
 - (ii) any place accessible to the public for drawing water, washing or bathing or for purposes of recreation;
 - (h) “Regulations” mean regulations made under this Act;
 - (i) “Rules” mean rules made under this Act;
 - (j) “Service Companies” mean units of Odisha State Armed Police Battalions and District Armed Reserve which are deployed for law and order and other duties in support of police;

Odisha Act
3 of 2007.

- (k) "Supervisory Officer" means Police Officers appointed under sub-sections (1) and (2) of section 4 and includes any other officers appointed by the State Government as Supervisory Officer of their equivalent rank;
- (l) "Subordinate Officer" means a Police Officer appointed as Inspector of Police, Sub-Inspector of Police or Assistant Sub-Inspector of Police and includes any other person under this Act of their equivalent rank;
- (m) "terrorist activity" includes any activity of a person or a group of persons using explosives or inflammable substances or firearms or other lethal weapons or noxious gases or other chemicals or any other substance of a hazardous nature with the aim to strike terror in the society or any section thereof and with an intent to overawe the Government established by law.

(2) Words and expressions used in this Act but not defined specifically, shall have the same meaning as provided in the Odisha General Clauses Act, 1937, the Code of Criminal Procedure 1973, and the Indian Penal Code 1860.

Odisha Act
1 of 1937,
2 of 1974,
45 of 1860.

CHAPTER-II CONSTITUTION, ORGANISATION AND ADMINISTRATION OF POLICE FORCE

Constitution
of Police
Force.

3. (1) There shall be one Police Force for the whole of the State of Odisha:

Provided that the members of the Police Force constituted under the Police Act, 1861 shall be deemed to be the members of the Police Force under this Act.

5 of 1861.

(2) Subject to the provisions of this Act, the Police Force shall consist of number of Supervisory Officers, Sub-ordinate Officers, in various ranks, and other members of the Police Force and have such organization as the State Government may, by general or special order, determine.

Appointment
and powers of
Director General of
Police and other
Police Officers.

4.(1) The State Government may appoint a Director General of Police from amongst the officers working in the rank of Director General of Police or the officers who have been found suitable for promotion to the rank of Director General of Police:

Provided that while appointing the Director General of Police the State Government shall take into consideration,—

- (a) performance appraisal reports of the previous fifteen years of service and the cumulative score in the overall grading of the officer in a scale of 0 to 10;
- (b) the range and duration of professional experience including deputation to a Central Police Organisation;
- (c) the training courses undergone both inside and outside the country and professional enhancements, degrees, awards or certificates acquired during the service career;
- (d) award of Gallantry Medal, President's Medal for Distinguished and Meritorious Service and Governor's Medal with specific weightage to years of conferment;
- (e) indictment in any criminal or disciplinary proceeding or by Inquiry Committee or Commission duly appointed by the Central or State Government on the grounds of corruption, moral turpitude, negligence in duty or charges to the effect having been framed by a Court of Law in such cases.

(2) The State Government may appoint as many Additional Director General of Police, Inspector General of Police, Deputy Inspector General of Police and Assistant Inspector General of Police and Superintendent of Police, Additional Superintendent of Police and Deputy Superintendent of Police as may be necessary to assist the Director General of Police.

(3) The Director General of Police so appointed shall have a minimum tenure of two years subject to superannuation from service:

Provided that the Director General of Police may be removed from the post before the expiry of the said tenure by the State Government consequent upon his —

- (a) conviction by a Court of law in a criminal offence or where charges have been framed by a Court in a case involving corruption or moral turpitude; or

- (b) punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post or censure awarded under the provisions of the All India Services (Discipline and Appeal) Rules, 1969 or any other relevant rule; or
- (c) suspension from service in accordance with the provisions of the said rules; or
- (d) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions as the Director General of Police; or
- (e) elevation to a higher post or lateral transfer to an equivalent post under either the State or the Central Government; or
- (f) own representation to go on voluntary retirement or for any other posting under the State or Central Government.

(4) The Director General of Police shall be the highest ranked officer in the hierarchy of State Police Service and no officer senior to the incumbent Director General of Police shall be posted to any position within the Police Force.

(5). The Director General of Police and every other Supervisory Officer so appointed under sub-section (1) shall exercise such powers, functions, duties and responsibilities as provided by or under this Act or any rules made thereunder.

Superintendence
and administrations
of Police Force.

5.(1) The superintendence of the Police Force shall vest in the State Government and subject thereto and to the provisions of this Act and of rules made thereunder, the overall direction, supervision and control of the Police Force shall vest in the Director General of Police.

(2) Subject to the provisions of sub-section (1), the administration of the Police Force within such local limit as provided by or under this Act shall be carried on by the Additional Director General of Police, Inspector General of Police, Deputy Inspector General of Police, Assistant Inspector General of Police, Superintendent of Police, Additional Superintendent of Police, and Deputy Superintendent of Police in accordance with the provisions of this Act and rules made thereunder.

Appointment of
Subordinate Officer
other members of the
Police Force.

6.(1) The appointment of the Subordinate Officers and the other member of the Police Force shall rest with the Director General of Police, who shall exercise power in accordance with rules made under this Act:

Provided that the power of appointment under this section may also be exercised by such other Supervisory Officer as the State Government may, by order, specify in this behalf.

(2). The manner of recruitment and other conditions of service including disciplinary matter, pay and allowances of the Subordinate Officer and other member of the Police Force shall be such as may be prescribed.

Constitution of Police
ranges, districts.

7.(1) The State Government in consultation with the Director General of Police, may, by notification, —

- (a) divide the entire geographical area of the State other than the area covered under the Police Commissionerate constituted under the Odisha Urban Police Act, 2003 into one or more ranges;
- (b) divide such ranges into Police Districts which is distinct from the Revenue District and such Police Districts into Police Sub-divisions and specify the police stations comprised in each such Sub-division;
- (c) define the limits and extent of such Police ranges, Police Districts, Police Sub-division; and
- (d) define the limits and extent of such police station having regard to population, the area, the crime situation, the work load in terms of law and order and distance to be traversed by the inhabitant to reach the police station.

Odisha
Act 8 of
2007.

(2) The State Government may, by notification, establish Special Police Stations in any area for any particular purpose or for enforcement of any particular law or laws in addition to the police stations notified for any area under this section and such Special Police Station shall be so named as to denote its special purpose and special nature.

(3). The Director General of Police, may, by notification, establish one or more outposts within the territorial limit of a police station, specifying the local limits of such outpost.

Officer-in-charge
of Police range,
Police District,
Police Sub-division
and police station.

8. (1) Each Police range shall be under the charge of an Inspector General of Police or Deputy Inspector General of Police who shall supervise the police administration of the range.

(2) Each Police District shall be under the charge of a Superintendent of Police who may be assisted by as many Additional Superintendent of Police or Deputy Superintendent of Police, as may be required.

(3) Each Police Sub-division shall be under the charge of a Deputy Superintendent of Police and each police station shall be under the charge of an officer not below the rank of Sub-Inspector of Police.

Constitution of
Special Cells.

9. For the purpose of dealing with a particular case or particular classes of cases or providing better service to the community at large including victims of such case, the State Government may, in consultation with the Director General of Police, by notification, create one or more Special Cells in each Police District which may be notified to be a police station established under this Act .

Railway
Police.

10. (1) The State Government may, in consultation with the Director General of Police, by notification, create one or more Special Police Districts embracing such railway areas in the State and appoint a Superintendent of Police, one or more Deputy Superintendents and such other Police Officers for each such special district and such Police Officer shall discharge police functions connected with the administration of railways situated within their respective charges and such other functions as may, from time to time, be assigned to them.

(2) Subject to the functions as assigned under sub-section (1), to the Police Officer, such Police Officer may exercise, within the Special Police District or any part thereof, the powers of an officer-in-charge of a police station in that district and while exercising such powers he shall be deemed to be an officer-in-charge of the police station discharging the functions of such officer within the limits of his police station.

(3) Subject to any general or special orders of the State Government, such Police Officers shall, in the discharge of their functions under this section, be vested within every part of the state, with the powers and privileges and be subject to the liabilities of Police Officers under this Act or any other law for the time being in force.

Certificate of
appointment.

11.(1) Every member of the Police Force shall, on appointment under this Act, will receive a certificate in the form as may be prescribed and the certificate shall be issued under the hand and seal of such supervisory officer as the State Government may, by general or special order, direct.

(2) The certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period when such person is under suspension from the Police Force.

Special Police
Officer.

12.(1) The Superintendent of Police or any officer, specially empowered in this behalf by the State Government, may, at any time, by a written order issued under the hand and seal of such officer, appoint, on a honorary basis, for a period as specified in the appointment order, any able-bodied and willing person between the age of 18 to 60 years, whom he considers fit to be a Special Police Officer to assist the Police Force.

(2) Every Special Police Officer so appointed shall, on appointment, —

(a) undergo prescribed training and thereafter receive a certificate in a form approved by the State Government in this behalf; and

(b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police Officer.

Additional
Police Officer.

13.(1) Additional Police Officers of such ranks or grades may be appointed or deputed for the purpose prescribed by the State Government for such time and on such pay as may be determined.

(2) Every Additional Police Officer upon such appointment shall, —

(a) receive a certificate in a form approved by the State Government in this behalf;

(b) be vested with all or such of the powers, privileges, duties and immunities of a Police Officer as are specially mentioned in the certificate; and

(c) be subject to the orders of the Superintendent of Police.

Tenure of
Key police
functionaries.

(3) The deployment or deputation of such Additional Police Officer may be made at the request of any person requiring such police and the cost of such deployment shall be paid by such person and if not paid, be recovered in such manner as may be prescribed.

14. (1) An officer posted as In-charge of a police station or a Police-division or as a Superintendent of Police or a Deputy Commissioner of Police or as a Deputy Inspector General or Inspector General of Police in charge of a Police range or as Commissioner of Police shall ordinarily have a minimum of tenure of two years on such post:

Provided that such an officer may be removed from his post or ceased to hold the post, as the case may be, before the expiry of two years consequent upon, —

- (a) promotion to a higher post; or
- (b) conviction or charges having been framed by a Court of law in a criminal offence; or
- (c) punishment of dismissal or removal or discharge or compulsory retirement from service or reduction to a lower rank, awarded under the relevant rules; or
- (d) suspension from service in accordance with provisions of the rules; or
- (e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or
- (f) any vacancy caused by promotion, transfer or retirement; or
- (g) the representation of the officer on any ground.

(2) Notwithstanding anything contained in sub-section (1), an officer can be removed from his post before the expiry of his tenure by the State Government or the Police Establishment Board, as the case may be, on the grounds of proven inefficiency, negligence in duty, misconduct and lack of integrity, after recording such reasons in writing.

Coordination
with the District
Administration.

15.(1) For the purpose of efficiency in the general administration of the District, it shall be lawful for the District Magistrate, in addition to the provisions of the Code of Criminal Procedure, 1973 and the provisions of other relevant Acts and Rules to require the assistance of the Superintendent of Police and issue directions in respect of following matters, namely: —

- (a) the promotion of land reforms and the settlement of land disputes;
- (b) extensive disturbance of the public peace and tranquility in the district;
- (c) the conduct of elections to any public body;
- (d) the handling of natural calamities and rehabilitation of the persons affected thereby;
- (e) situations arising out of any external aggression or internal disturbances;
- (f) maintenance of supply of essential commodities and services;
- (g) protection of people belonging to weaker sections;
- (h) prevention of atrocities on scheduled castes and scheduled tribes;
- (i) protection of human rights;
- (j) completion of development projects of the State;
- (k) any similar matter, not within the purview of any one Department and affecting the general welfare of the public of the district; and
- (l) removal of any persistent public grievance.

(2) For the purpose of co-ordination, the District Magistrate may call for a report of a general or specific nature, as and when required, from the Superintendent of Police and heads of other Departments of the district and where the situation so demands, the District Magistrate shall, in consultation with other Heads of Departments of the district, issue appropriate directions to achieve the objective of co-ordination and the directions so issued, shall be binding on all concerned.

(3) The District Magistrate and the Superintendent of Police shall remain in constant communication for the purpose of harmonious coordination within the district administration and shall, at all times, keep in view the public interest for achieving such co-ordination.

State
Intelligence
and Criminal
Investigation
Organisation.

16.(1) The State Government shall constitute a State Intelligence Organisation for collection, collation, analysis and dissemination of intelligence and a Criminal Investigation Organisation for investigating inter-state, inter-district crimes and other specialized offences, in accordance with the provisions of this Act.

(2) The State Government shall appoint a Police Officer of or above the rank of Inspector General of Police to head each of the aforesaid organisations.

(3) The Criminal Investigation Organisation shall have specialized wings to deal with different types of crime requiring focused attention or special expertise for investigation and each of these wings shall be headed by an officer not below the rank of a Superintendent of Police.

(4) The State Intelligence Organisation shall have specialized wings, to deal with and coordinate specialized tasks such as, counter terrorism and VIP Security and such other tasks and each of these wings shall be headed by an officer not below the rank of Superintendent of Police.

(5) The State Government shall appoint an appropriate number of officers from different ranks, as may be prescribed, having regard to the volume and variety of tasks to be handled to serve in the Criminal Investigation Organisation, and the State Intelligence Organisation.

Technical
and Support
Services.

17. For the purpose of promoting efficiency in the police force, the State Government may, in consultation with the Director General of Police, create technical and support services.

Establishment of
State Police
Academy and
Training Colleges
and Schools.

18. The State Government shall establish a Police Training Academy at the state level and such number of Police Training Colleges and Schools as deemed necessary for ensuring efficient post-induction training of all directly-recruited Police Officer in various ranks, pre-promotion training for those promoted to higher rank and such thematic and specialized in-service training courses for Police Officer of different ranks, as deemed necessary from time to time.

CHAPTER-III ARMED POLICE UNITS

Definitions.

19. In this chapter, unless the context otherwise requires,—

(a) “Armed Police Officers” means members of the Armed Police Unit;

(b) “Armed Police Unit”, means, Units of District Armed Police Reserves, Odisha State Armed Police and other Armed Police Units of the State established under this chapter;

(c) “Subordinate Officer” means any Armed Police Officer appointed in the rank of Inspector (Armed), Sub-Inspector (Armed) and Assistant Sub-Inspector (Armed); and

(d) “Supervisory Officer” means any Armed Police Officer appointed in the rank of Commandant, Deputy Commandant and Assistant Commandant.

District Armed
Police Reserves,
Odisha State Armed
Police and other
Armed
Police Units

20. The State Government shall create Armed Police units which shall be a cadre, distinct from the cadre of police, with appropriate manpower strengths as District Armed Police Reserve for each Police District, and Odisha State Armed Police and such other Armed Forces for the State, to assist the police promptly and efficiently in dealing with group protests and violent disturbances involving breach of peace or law and order problems, and in disaster management functions, as well as to discharge such duties which require the presence of armed police.

Organisational
structure of District
Armed Police
Reserve.

21. The District Armed Police Reserve under the command and control of the Superintendent of Police of the District shall be headed by an Officer of the rank of either Deputy Commandant (Armed) or Assistant Commandant (Armed) which are, respectively, equivalent to the rank of Additional Superintendent of Police or Deputy Superintendent of Police or Inspector (Armed) depending on the man power strength of the Armed Police Reserve of the District concerned.

Organisational
structure and
administration of
State Armed Police
and other Armed
Police Units

22.(1) Subject to the overall supervision of the Director General of Police, the Odisha State Armed Police and the other Armed Police Units shall be under the command and control of an officer of the rank of Additional Director General of Police or Inspector General of Police as may be appointed by the State Government in this behalf, who shall be responsible for the administration, training, operation preparedness and welfare of such Armed Police Force.

(2) The State Government or the Director General of Police as may be authorised in this behalf, may,—

- (a) divide the Odisha State Armed Police and other Armed Police Units into Battalions and each such Battalion shall be headed by a Commandant equivalent in rank to Superintendent of Police; and

- (b) sub-divide each Battalion to such number of companies and each such company shall be headed by an Assistant Commandant equivalent in rank to Deputy Superintendent of Police.

(3) The Commandant shall be assisted by one or more Deputy Commandants and senior most amongst them shall be second in command of the Battalion.

(4) The Director General of Police may, in consultation with the State Government, locate any Battalion or company at such place as he may deem fit.

Ranks in Armed
Police Units.

23. The ranks of members of the Armed Police Force in Armed Police Units in ascending order are Constable (Armed), Head Constable (Armed), Assistant Sub-Inspector (Armed), Sub-Inspector (Armed), Inspector (Armed), Assistant Commandant, Deputy Commandant and Commandant:

Provided that nothing contained in this sub-section shall be deemed to prevent the State Government to issue order for creating any other rank or giving a new designation to a rank, as specified therein.

Functions of Odisha
State Armed Police
and other Armed
Police units.

24. The Odisha State Armed Police and other Armed Police Units shall be deployed under specific orders of the Director General of Police, to aid and assist the police in dealing with virulent and widespread problems of public disorder or other forms of violence, needing deployment of armed police beyond the resources of the district police and when so deployed, shall function under the control and direction of the officer to whom reported.

Functions of District
Armed Police
Reserves.

25. The District Armed Police Reserves shall be deployed to deal with the emergent law and order problem or any violent situation in the District and when so deployed shall function under the control, direction of the officer to whom reported and for providing security or escort of violent prisoners, or such other duties as may be necessary.

Regulation of
recruitment of
Personnel of
Armed Police Unit.

26. (1) The direct recruitment to the District Armed Police Reserves, the Odisha State Armed Police and the other Armed Police Units other than the ministerial and technical cadres, shall be limited to the ranks of Constable (Armed) and Sub-Inspector (Armed) and the manner of

recruitment and condition of service including their promotions to the respective higher ranks shall be such as may be prescribed.

(2) The recruitment to the rank of Constables (Armed) shall be made through State Level Police Recruitment Board and direct recruitment of Sub-Inspectors (Armed) shall be made through the Odisha Staff Selection Commission or as may be prescribed by the State Government.

Training.

27. (1) The new recruits shall undergo initial training in the prescribed training institutes and it shall also be ensured that members of all ranks in these Units undergo a periodic refresher training programme, by rotation over and above specialized training in different skills as needed by different categories.

(2) The curricula for the initial as well as the periodic refresher training courses, apart from physical skills and fitness, shall lay due emphasis on the knowledge of constitutional and legal rights of the citizens as well as skills relating to individual and collective interaction with the public, with special emphasis on upholding fairness and impartiality in dealing with the public.

(3) The content and methodology of the periodic refresher training courses as well as the other specialized courses for the members of Armed Police Force of the District Armed Reserves, the Odisha State Armed Police and other Armed Police Units shall be reviewed and revised, from time to time, by the officer heading the State Armed Police in consultation with the Training Wing of the State Police and under the overall guidance of the Director General of Police.

Deployment.

28.(1) The deployment of the armed police of the District Armed Police Reserves, the Odisha State Armed Police and other Armed Police Units shall be strictly restricted to only those situations where such deployment is considered absolutely necessary.

(2) The Superintendent of Police of the concerned District shall scrutinize each request for deployment of the Armed Police from the District Armed Police Reserves received from the field officers and the Director General of Police shall scrutinize each request for the deployment of any armed police from the Odisha State Armed Police or other Armed Police Units received from the Superintendent of Police of

any District, Inspector General of Police or Deputy Inspector General of Police of a range before ordering such deployment, which shall include a realistic determination of the quantum of Armed Police required as also the duration for which the deployment is required.

(3) The deployment shall be made for a fixed period, as specified in the order and unless the same is extended by a specific order, the Armed Police so deployed shall return to its headquarters, on the expiry of the initial period.

Adequacy of arms,
equipment and
accoutrement.

29. The adequacy of arms, equipments and accoutrement for Odisha State Armed Police and other Armed Police Units, the District Armed Police Reserves shall be assessed annually by the officer concerned heading the Armed Police in terms of the type, quality and quantities of each such item needed for each Unit, in consultation with the Commandants and the Superintendents of Police of the district concerned.

CHAPTER-IV

STATE SECURITY COMMISSION AND POLICE ESTABLISHMENT BOARD

State Security
Commission.

30.(1) The State Government shall, within six months of the commencement of this Act, establish a State Security Commission to exercise the functions as may be assigned to it under this Act.

(2) The State Security Commission shall consist of the following members, namely:—

- (a) the Chief Minister, who shall be the Chairperson;
- (b) the Minister-in-charge of Home;
- (c) a Member of the State Human Rights Commission to be nominated by the Government;
- (d) the Chief Secretary;
- (e) the Secretary to Government in charge of the Home Department;

- (f) the Director General of Police as its Member-Secretary; and
- (g) two non-political persons of proven reputation for integrity and competence (hereinafter referred to as "Independent Members") from the fields of academia, law, public administration, media or social service, to be nominated by the State Government;

Provided that no person shall be nominated as a Member under clause (g) if he,—

- (a) is not a citizen of India; or
- (b) has been convicted by a court of law or against whom charges have been framed in a court of law; or
- (c) has been dismissed or removed or compulsorily retired from service on the grounds of corruption or misconduct; or
- (d) holds an elected office, including that of Member of Parliament or State Legislature or a local body; or
- (e) is an office-bearer of any political party or any organization connected with a political party; or
- (f) is of unsound mind.

(3) There shall be at least one woman as member.

(4) No serving Government employee shall be appointed as an Independent Member.

(5) Any vacancy in the State Security Commission shall be filled up as soon as practicable, but not later than three months after the seat has fallen vacant.

(6) Every independent member shall hold office for a period of three years and shall be eligible for re-nomination for another term.

(7) An Independent Member may be removed from his office by a two-thirds majority of members of the State Security Commission on any of the following grounds, namely:—

- (a) proven incompetence; or
- (b) proven misbehaviour; or
- (c) failure to attend three consecutive meetings of the State Security Commission without sufficient cause; or

(d) incapacitation by reasons of physical or mental infirmity or otherwise becoming unable to discharge his functions as a member.

(8) The remuneration, allowances and travel in connection with official business of the State Security Commission, in respect of non-official Members of the Commission shall be such as may be prescribed and such expenses shall be borne by the State Government.

Functions of the
State Security
Commission.

31. (1) The State Security Commission shall have the following functions namely:—

- (a) to aid and advise the State Government in discharge of its function and responsibilities under this Act;
- (b) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law;
- (c) identify performance indicators to evaluate the functioning of the State Police, which inter-alia include operational efficiency, public satisfaction, victim satisfaction, optimum utilization of resources, quality of police investigation, police accountability and response, financial management, police behaviour and observance of human rights standards;
- (d) review and evaluate organizational performance of the State Police on the basis of laid down performance parameters, resources available with and constraints of the police; and
- (e) such other functions as may be specified by the State Government.

(2) The State Security Commission shall, at the end of each year, present to the State Government a report on its work during the preceding year as well as on the evaluation of performance of the armed Police.

(3) The State Government shall, after receipt of the Annual Report, lay the same before the State Legislature and cause it to be made easily accessible to the public.

Police
Establishment
Board.

32.(1) The State Government shall constitute a Police Establishment Board with Director General of Police as Chairperson and the following officers as Members, namely:—

- (a) Two officers of the rank of Additional Director General of Police, to be nominated by the State Government;
- (b) One Officer in the rank of Commissioner of Police or Inspector General of Police or Deputy Inspector General of Police of a range to be nominated by the Director General of Police; and
- (c) Additional Director of Police (Personnel) or Inspector General of Police (Personnel) or Deputy Inspector General of Police (Personnel) as nominated by the Director General of Police as Member-Convenor.

(2) The Police Establishment Board shall decide all transfers and postings of officers of the rank of Additional Superintendent of Police and Deputy Superintendent of Police:

Provided that the State Government may interfere with the decision of the Board for reasons to be recorded in writing.

(3) The Police Establishment Board shall function as a forum of appeal for disposing of the representations from officers of the rank of Additional Superintendent of Police and Deputy Superintendent of Police regarding their transfers and postings.

(4) There shall be a Range Police Establishment Board for each Range comprising of the following officers to decide all inter-district transfers of Police Officers up to the rank of Inspector of Police and equivalent rank within the range.

- (a) Range Inspector General of Police or : Chairperson
Range Deputy Inspector General of Police
- (b) Superintendents of Police or : Members
In-charge Superintendents of Police of districts

(5) There shall be a District Police Establishment Board in each Police District comprising of the following officers to decide transfers and postings among the Police Officers up to the rank of Inspector of Police and equivalent rank: —

- (a) Superintendent of Police of the concerned District. : Chairperson
- (b) Four officers of the rank of Additional Superintendents of Police or Deputy Superintendents of Police or Assistant Superintendents of Police or Sub Divisional Police Officers of the District, to be nominated by the Inspector General of Police of the concerned Range : Members

(6) The District Police Establishment Board shall also decide the distribution of duties amongst the Headquarters Deputy Superintendent of Police and Additional Superintendent of Police.

(7) There shall be a Police Establishment Board for the Commissionerate of Police, comprising of the following officers to decide transfers and postings of all Police Officers upto the rank of Additional Deputy Commissioner of Police, namely:—

- (a) Commissioner of Police, : Chairperson
- (b) Addl. Commissioner of Police, : Member
- (c) Deputy Commissioners of Police, Head Quarters. : Member
- (d) Deputy Commissioners of Police of territorial urban districts. : Member

(8) The Director General of Police may interfere with the decision of the Police Establishment Board, for the Commissionerate Police, Range Police Establishment Board and District Police Establishment Board in exceptional cases for reasons to be recorded in writing.

(9) There shall be a State Level Committee with Chief Secretary as its Chairman and the Secretary of the Home Department and the Director General of Police as members to consider the suitability and tenure of different officers of and above the rank of Superintendent of Police up to the rank of Additional Director General of Police and make its recommendation to the Government for their posting and transfer.

CHAPTER – V
FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE POLICE OFFICERS

Functions and
duties of the
Police Officers.

33. The Police Officer shall perform the following functions and duties, namely:—

- (a) to uphold and enforce the law impartially and to protect life, liberty, property, human rights and dignity of the members of the public;
- (b) to promote and preserve public order;
- (c) to protect internal security, to prevent and control terrorist activities, breaches of communal harmony, militant activities and other situations affecting internal security;
- (d) to protect public properties including roads, railways, bridges, vital installations and establishments etc. against acts of vandalism, violence or any kind of attack;
- (e) to prevent crimes and reduce the opportunities for the commission of crimes through their own preventive action and measures as well as by aiding and cooperating with other relevant agencies in implementing due measures for prevention of crimes;
- (f) to accurately register all complaints brought to them by a complainant or his representative, in person or received by post, e-mail or other means and take prompt follow-up action thereon, after duly acknowledging the receipt of the complaint;
- (g) to register and investigate all cognizable offences coming to their notice through such complaints or otherwise, duly supplying a copy of the First Information Report to the complainant and where felt appropriate, to apprehend the offenders and extend requisite assistance in the prosecution of offenders;
- (h) to create and maintain a feeling of security in the community, and as far as possible prevent conflicts and promote amity;

- (i) to provide, as first responders, all possible help to people in situations arising out of natural or man-made disasters and to provide active assistance to other agencies in relief and rehabilitation measures;
- (j) to aid individuals, who are in danger of physical harm to their person or property and to provide necessary help and afford relief to people in distress situations;
- (k) to facilitate orderly movement of people and vehicles and to control and regulate traffic on roads and highways;
- (l) to collect intelligence report relating to matters affecting public peace and all kinds of crimes including social offences, communalism, extremism, terrorism and other matters relating to national security and disseminate the same to all concerned agencies, besides acting, themselves on it, as deemed appropriate;
- (m) to take charge as a Police Officer on duty, of all unclaimed property and take action for their safe custody and disposal in accordance with the prescribed procedure;
- (n) to perform patrolling;
- (o) to perform traffic duties;
- (p) to perform auxiliary duties such as technology support, special skill support, staff support, out station duties and such other tasks as assigned by senior officers from time to time.

Responsibilities of
the Police Officers.

34. Every Police Officer shall,—

- (a) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;
- (b) guide and assist members of the public, particularly senior citizens, women, children, poor and indigent and physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection;

- (c) provide all requisite assistance to victims of crime and of road accidents and in particular, ensure that they are given prompt medical aid, irrespective of medico-legal formalities and facilitate their compensation and other legal claims;
- (d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;
- (e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;
- (f) render all requisite assistance to the members of the public, particularly women, children and the poor and indigent persons, against criminal exploitation by any person or organized group; and
- (g) arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the Government and also inform the authorities concerned in this regard.

Duties in
emergency
situation.

35. (1) Notwithstanding anything contained in any other law, the State Government may, by notification, declare any specified service to be an essential service to the community, for a specified period, which may be extended from time to time, by notification, as necessary.

(2) Upon a declaration being made under sub-section (1) and so long it remains in force, it shall be the duty of every Police Officer to obey any order given by any officer superior to him in connection with the service specified in the declaration.

Senior Police
Officer performing
duties of a
subordinate officer.

36. A senior Police Officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him and may aid, supplement, supersede or prevent any action of the subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding any infringement thereof.

Duties and responsibilities of Constables/ and Head Constables.

37. Without prejudice to any other provisions, the duties and responsibilities of the Constables and Head Constables shall, *inter alia*, be,—

- (a) to liaise with community elders, members of the Community Liaison Group, if any, the Village Defence Party, the Village Guard and the residents of each village under his charge, and to review, during every visit, the crime prevention measures in the village;
- (b) to collect information relating to crimes and criminals and activities of subversive, militant and anti-social nature, if any, in the village and communicate the same to the Officer-in-Charge;
- (c) to maintain watch over history-sheeted criminals, if any, and others with criminal record or bad characters;
- (d) to acquaint himself with local disputes having potential for violence or with caste or communal overtones and inform the Officer-in-Charge of the police station of the same with all available details;
- (e) to carry out any other policing task in respect of the village assigned by the State Government, the Director General of Police, the District Superintendent of Police or by Officer-in-Charge of the police station through a general or special order;
- (f) to record any public grievances and complaints in relation to policing; and
- (g) to maintain a record of aforesaid duties and responsibilities carried out by him during his visit and submit the same to the Officer-in-Charge of the police station.

Village visits by Officer-in-Charge and Supervisory Officers.

38.(1) The Officer-in-Charge shall visit every village under his jurisdiction, as per the minimum frequency prescribed by the Superintendent of Police through a general or special order and shall interact with as many local residents as possible so as to assess the level of public satisfaction with the police.

(2) All Supervisory Officers including the Superintendent of Police shall visit every month as many villages in their jurisdiction as possible, the purpose of which shall be to review the general state of crime, the

law and order situation and the activities, if any, of violent and militant individuals or groups in the area and to interact with as many local residents as possible, so as to assess the level of public satisfaction with the police.

CHAPTER – VI EFFECTIVE CRIME INVESTIGATION, INCLUDING USE OF SCIENCE AND TECHNOLOGY IN INVESTIGATION

Creation of
separate
Investigation Unit.

39. (1) The State Government may, by order, create a Crime Investigation Unit in all police stations situated in urban area and in any rural area, which is considered by it as crime-prone area, headed by an officer not below the rank of Sub-Inspector of Police, with an appropriate strength of officers and staff, for investigating heinous and specialized forms of crimes.

(2) The Police Officers posted to this Unit shall not be ordinarily diverted to any other duty, except under special circumstances, with the written permission of the Inspector General of Police-in-charge of the Criminal Investigation Organisation.

Selection of
Officers for Crime
Investigation Unit.

40. (1) The officers posted in Crime Investigation Units shall be selected on the basis of their aptitude, professional competence and integrity and their professional skills will be upgraded, from time to time, through specialized training in investigative techniques, particularly in the application of scientific aids to investigation and forensic science techniques.

(2) Officers posted to Crime Investigation Units will normally have a minimum tenure of three years and a maximum of five years, after which they will be rotated to law and order and other assignments:

Provided that the officers posted to Crime Investigation Units may be shifted from the post before expiry of the said minimum tenure by the Officer-in-charge of concerned Police Range or the Commissioner of Police within its jurisdiction by a written order specifying reasons for professional incapacity, integrity, misconduct or on his own representation or in case of promotion and similarly the officer-in-charge of investigation of crime may be retained beyond the period of five years if it is so required in the public interest.

(3) The officers posted to the Crime Investigation Units shall investigate heinous and specialized forms of crime as entrusted to the Unit by the Officer In-charge of the police station with the approval of the District Superintendent of Police and Deputy Commissioner of Police, in case Police Commissionerate.

(4) All other crimes will be investigated by other staff posted in such police stations.

Criminal Investigation
Organisation.

41. (1) The Criminal Investigation Organisation of the State, created under section 16 of this Act shall take up investigation of such crimes of inter-state, inter-district or of otherwise serious nature, as may be specifically entrusted to it by the State Government or the Director General of Police in accordance with such procedures and norms as may be prescribed.

(2) The Criminal Investigation Organisation will have specialized Units for investigation of cyber crime, organized crime, homicide, economic offences and any other category of offences, as notified by the State Government or Director General of Police which require specialized investigative skills.

(3) The officers posted to the Criminal Investigation Organisation will be selected on the basis of their aptitude, professional competence, experience and integrity.

(4) The officers will undergo appropriate training upon induction and their knowledge and skills will be upgraded from time to time through appropriate refresher and specialized courses.

CHAPTER – VII REGULATION, CONTROL AND DISCIPLINE

Framing of
regulations.

42.(1) Subject to the approval of the State Government, the Director General of Police shall make regulations or issue orders, not inconsistent with this Act or with the rules made thereunder or with any other enactment for the time being in force for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for,—

(a) prevention and investigation of crime;

- (b) maintenance of law and order;
- (c) regulation and inspection of the police organisation, and of the work performed by Police Officers;
- (d) determining the description and quantity of arms, equipments, accoutrements, clothing and other resources to be provided to the members of the Police Force;
- (e) specifying the places of residence of members of the Police Force ;
- (f) institution, management and regulation of any fund received for the purposes connected with the police administration or welfare of police personnel;
- (g) regulation, deployment, movements and location of the police;
- (h) assigning duties to officers of all ranks and grades and prescribing the manner and the conditions subject to which, they shall exercise and perform their respective powers and duties;
- (i) regulating the collection and communication of intelligence and information by the police;
- (j) prescribing the records registers and forms to be maintained and the returns to be submitted by different Police Units and officers; and
- (k) generally, for the purpose of rendering duties by the Police Officers more efficiently and preventing abuse of power and neglect of duties by them.

Penalties and
Appeal.

43.(1) Subject to the provisions of Article 311 of the Constitution and the rules and regulations made under this Act, an officer of the rank of Superintendent of Police or above may award any of the following punishments to a Police Officer of a rank in respect of which he is the appointing authority, namely:—

- (a) dismissal;
- (b) removal from service;
- (c) compulsory retirement;
- (d) reduction in rank;
- (e) reduction in pay with or without cumulative effect;
- (f) stoppage of increment with or without cumulative effect; or
- (g) censure.

(2) Any punishment mentioned in sub-section (1) awarded to a Police Officer, shall not affect his liability for prosecution for any criminal offence committed by him in the same transaction for which departmental action has led to award of punishment to him.

(3) Any Police Officer, aggrieved by an order made under sub-section (1), may prefer an appeal within such period and to such authority as may be prescribed.

Suspension.

44. (1) A Police Officer of or above the rank of Deputy Inspector General of Police may place a Police Officer of and below the rank of Inspector of Police, subordinate to him, under suspension on the grounds specified hereinafter.

(2) A Police Officer of the rank of Superintendent of Police may place a Police Officer of and below the rank of Sub-Inspector, subordinate to him, under suspension in the following circumstances, namely:—

- (a) where a disciplinary proceeding for award of punishment against him is contemplated or is pending; or
- (b) where in the opinion of the aforesaid authority, there is a *prima facie* case that such officer has engaged himself in activities prejudicial to the security of the State for which an enquiry is contemplated or pending; or
- (c) where in the opinion of the aforesaid authority, there is *prima facie* evidence in respect of any criminal offence under investigation, inquiry or trial; or
- (d) where in the opinion of the aforesaid authority, there is *prima facie* evidence of moral turpitude or corruption or gross misconduct or unbecoming conduct.

(3) Every order of suspension passed under this section shall be in writing.

(4) Where, an officer is placed under suspension, whether in connection with a disciplinary proceeding or otherwise and another disciplinary proceeding is ordered against him during the currency of that suspension, the authority competent to place him under suspension may,

for reasons to be recorded in writing, direct that the officer shall continue to be under suspension until the completion of all or any of such proceedings.

(5) An order of suspension so made, may, at any time, be revoked or modified, or in any case, be reviewed *suo motu* or on a representation made by the officer under suspension, by the authority which made the order or by any authority to which such authority is subordinate.

(6) In case the period of suspension exceeds two years, the case shall be referred to the Police Establishment Board for appropriate directions.

Misconduct.

45. A Police Officer shall, in addition to any other liability for disciplinary action, as specified in the relevant rules, be liable for disciplinary action for any or all of the following misconducts, namely:—

- (a) disobedience of lawful orders;
- (b) neglect of duty;
- (c) insubordination or any indisciplined conduct;
- (d) unauthorized malingering or absence from duty;
- (e) act of cowardice;
- (f) misuse of authority;
- (g) acts of moral turpitude and corruption; or
- (h) any act unbecoming of an officer.

Separate set of
rules for Police
Officers.

46. The State Government shall frame rules for the Classification, Control and Appeals for the Police Officers, which shall, among other things, ensure timely disposal of disciplinary proceedings.

Police Officers
always on duty.

47. (1) Every Police Officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may, at any time, be deployed in any part of the State.

(2) No Police Officer shall abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorization.

Explanation.— A Police Officer who being on leave, remains absent unauthorisedly or fails without reasonable cause to report for duty at the expiration of such leave, shall be deemed, within the meaning of this section, to have withdrawn himself from the duties of his office.

Prohibition for other
engagement.

48. No Police Officer shall engage in any other employment or hold any other office where he gets any pecuniary gain whatsoever, other than his duties under this Act.

CHAPTER – VIII ACCOUNTABILITY

Accountability for
conduct.

49. In addition to the mechanisms already existing and functions, duties and responsibilities of the departmental authorities, accountability of the Police Officers shall be further ensured through the additional mechanisms detailed in this chapter.

Police Complaints
Authority.

50. (1) The State Government shall establish a Police Complaints Authority at the State level to look into complaints of grave misconduct against Police Officers of and above the rank of Superintendent of Police as well as serious complaints including death, grievous hurt or rape or molestation on women in police custody, corruption or moral turpitude against Police Officers of all ranks.

(2) The Lokpal appointed under section 3 of the Odisha Lokpal and Lokayuktas Act, 1995 shall be the Chairman of the State Police Complaints Authority.

Odisha Act
8 of 1995.

(3) There shall be three other Members appointed by the State Government, of which one shall be a woman.

(4) The State Government shall provide all facilities necessary for the proper functioning of the Police Complaints Authority.

(5) The Police Complaints Authority shall, while conducting enquiry, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of witnesses and examining them on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits; and

(d) any other matter which may be prescribed.

(6) All agencies of the State Government shall render all possible assistance to the Police Complaints Authority in respect of production of documents, examination of records, analysis of evidence or provision of expert assistance in any matter in which such authority or

authorities or an officer acting under the orders of such authority requires their assistance.

(7) The recommendation of the Police Complaints Authority, for any action, departmental or criminal, against a delinquent police officer shall be binding in so far as initiation of departmental proceedings or registration of a criminal case is concerned.

(8) Such recommendation shall, however, not prejudice the application of mind by the enquiry officer or the investigating officer when he is conducting the departmental enquiry or criminal investigation, as the case may be.

CHAPTER - IX GENERAL OFFENCES, PENALTIES AND RESPONSIBILITIES, ORDER IN STREETS AND PUBLIC PLACES

Regulation of
public assemblies
and processions.

51. (1) The Superintendent of Police of the district concerned or any Police Officer not below the rank of Assistant or Deputy Superintendent of Police may, where necessary, direct the conduct of all assemblies and processions on any public road, street or thoroughfare and prescribe the routes through which and the time at which such a procession may pass.

(2) It shall be the duty of the person intending to organize a procession on any road, street or thoroughfare or to convene an assembly at any public place, to give intimation in writing to the officer in charge of the concerned police station.

(3) The Superintendent of Police or any Police Officer, not below the rank of Inspector of Police, on receipt of such intimation or otherwise and upon being satisfied that such an assembly or procession, if allowed without due control and regulation, is likely to cause a breach of peace, may prescribe necessary conditions including making provisions for satisfactory regulatory arrangements on which alone such assembly or procession may take place, but under special circumstances to be recorded in writing, the concerned officer may also prohibit the assembly or procession in public interest.

Assemblies and
processions
violating prescribed
conditions.

52. (1) The District Superintendent of Police or any Police Officer not below the rank of Sub-Inspector, authorized in this behalf by the District Superintendent of Police, may stop any assembly or procession

which violates the conditions specified in section 51 and order such assembly or procession to disperse.

(2) Any assembly or procession which neglects or refuses to obey any order given under sub-section (1), shall be deemed to be an “unlawful assembly” under Chapter VIII of the Indian Penal Code, 1860.

45 of 1860.

Regulation of the use of music and other sound systems in public places.

53. The Superintendent of Police or any Police Officer, not below the rank of Inspector of Police, may regulate the time and the volume at which music and other sound systems are used in connection with any performances, processions and other activities in or near streets or any public place that are likely to cause annoyance to the residents of the neighbourhood.

Directions to keep order on public roads.

54.(1) The Superintendent of Police or any Police Officer authorized by him in this behalf, through a general or special order, may give reasonable directions to the public to keep order on public roads and streets, thoroughfares, or any public place, in order to prevent obstruction, injury, or annoyance to passers-by or environmental degradation.

(2) The Superintendent of Police may issue general directions under sub-section (1), in respect of the whole district or any part thereof.

Penalty for disobeying orders or directions.

55. Any person not obeying the lawful orders issued under sections 51, 52, 53 and 54 may be arrested and prosecuted through submission of a prosecution report and upon conviction by a court of law, shall be liable to a fine which may extend to five thousand rupees.

Power to reserve public places and erect barriers.

56. (1) The Superintendent of Police may, by public notice, temporarily reserve, for any public purpose, any street or other public place and prohibit the public from entering the area so reserved, except on such conditions as may be specified in the notice.

(2)(a) The Superintendent of Police may, by order in writing, authorize any Police Officer to erect barriers and other necessary structures on public roads and streets, to check vehicles or occupants thereof for violation of any legal provisions by them;

(b) In making such order, the Superintendent of Police shall specify necessary steps for ensuring the safety of passers-by;

(c) These temporary structures shall be removed once the purpose, for which they were installed, is over.

Obstruction in
police work.

57. Any person, who obstructs the discharge of duties and functions of a Police Officer, shall, on conviction, be liable to simple imprisonment not exceeding three months or fine not exceeding five thousand rupees or with both.

Unauthorized use of
police uniform.

58. Whoever, not being a member of the Police Service wears, without obtaining permission from officers authorized in this behalf by the State Government by a general or special order, a police uniform or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall, on conviction, be punished with imprisonment not exceeding six months or fine not exceeding five thousand rupees or with both.

Refusal to deliver up
certificate etc. on
ceasing to be Police
Officer.

59. Whoever, having ceased to be a Police Officer, does not forthwith deliver up the certificate of appointment, clothing, accoutrements and other resources supplied to him for the execution of his duty, shall, on conviction, be liable to fine not exceeding five thousand rupees.

False or misleading
statement made to the
Police Officer.

60. Whoever makes a false statement or a statement which is misleading in material particulars to a Police Officer for the purpose of obtaining any benefit shall, on conviction, be punished with imprisonment for a term which may extend to three months or fine which may extend to five thousand rupees or with both.

Dereliction of duty by
a Police Officer.

61. (1) Whoever, being a Police Officer,—

- (a) wilfully breaches or neglects to follow any legal provision, procedure, rules, regulations applicable to members of the Police Force; or
- (b) without lawful reason, fails to register a First Information Report as required by section 154 of the Code of Criminal Procedure, 1973; or
- (c) is found in a state of intoxication, while on duty; or
- (d) malingers or feigns illness or injury or voluntarily causes hurt to himself with a view to evading duty; or

(e) acts in any other manner unbecoming of a Police Officer, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both.

(2) Whoever, being a Police Officer,—

- (a) is guilty of cowardice; or
- (b) abdicates duties or withdraws from duties or remains absent without authorization from duty for more than 21 days; or
- (c) uses criminal force against another Police Officer or indulges in gross insubordination; or
- (d) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets any form of strike, or coerces or uses physical force to compel any authority to concede anything,

shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.

Unlawful arrest,
search, seizure and
other activities.

62. Whoever, being a Police Officer,—

- (a) without lawful authority or reasonable cause, enters or searches, or causes to be entered or searched, any building, vessel, tent or place; or
- (b) unlawfully and without reasonable cause, seizes the property of any person; or
- (c) unlawfully and without reasonable cause, detains, searches, or arrests a person; or
- (d) unlawfully and without reasonable cause, delays the forwarding of any person arrested, to a Magistrate or to any other authority to whom he is legally bound to forward such person; or
- (e) subjects any person in custody or with whom he may come in contact in the course of duty, to torture or to any kind of inhuman or unlawful personal violence or gross misbehaviour; or
- (f) holds out any threat or promise not warranted by law,

shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall be liable to fine which may extend to five thousand rupees.

Offences by the
public.

63.(1) Any person who commits any of the following acts on any road or street or thoroughfare or any open place, which is likely to cause inconvenience, annoyance or danger to the residents or passers-by shall, on conviction, be liable to fine, which may extend to five thousand rupees:—

- (a) allowing any cattle to stray, or keeping any cattle or conveyance of any kind standing longer than it is required for loading or unloading or for taking up or setting down passengers or leaving any conveyance in such a manner as to cause inconvenience or danger to the public;
- (b) being found intoxicated and riotous;
- (c) neglecting to fence in or duly protect any well, tank, hole or other dangerous place or structure under his charge or possession; or otherwise creating a hazardous situation in a public place;
- (d) defacing or affixing notices or graffiti on walls, buildings or other structures without the prior permission of the custodian of the property;
- (e) wilfully entering or remaining without sufficient cause in or upon any building belonging to the Government or land or ground attached thereto or on any vehicle belonging to Government;
- (f) knowingly spreading rumours or causing a false alarm to mislead the police, fire brigade or any other essential service;
or
- (g) wilfully damaging or sabotaging any public alarm system;
- (h) knowingly and wilfully causing damage to an essential service, in order to cause general panic among the public;
- (i) acting in contravention of a notice publicly displayed by the competent authority in any Government building :

Provided that the Police Officer shall take cognizance of this offence only upon a complaint made by an authorized functionary of the concerned office.

(2) It shall be lawful for any Police Officer to take into custody, without a warrant, whoever commits any of the offences mentioned in sub-section (1).

(3) Whoever commits any offence under sub-section (1), shall, on subsequent conviction, be liable to fine which may extend to ten thousand rupees but shall not be less than five thousand rupees.

Procedure for posting,
directions and public
notices.

64. (1) All general directions, regulations and public notices issued under this Chapter shall be published by posting notices in important offices of the local area as well as in the locality affected, by affixing copies in conspicuous places near the building or place to which the notice specially relates or by announcing it by the beating of drum or by advertising in local newspapers and other media or by any other means as the Superintendent of Police may deem fit:

Provided that the Superintendent of Police may, on being satisfied that it is in the public interest to bring any regulation into force with immediate effect, make such direction or regulation without being published.

(2) If any direction or regulation made under this section relates to any matter with respect to which there is a provision in any law, rule or bylaw of a Corporation or of any Municipal or Local Authority in relation to public health, convenience or safety of the locality, such regulation shall be subject to such law, rule or bylaw.

Prosecution of
Police Officers.

65. No court shall take cognizance of any offence under this Act when the accused person is a Police Officer except, on a report in writing of the facts constituting such offence by or with the previous sanction of an officer authorized by the State Government in this behalf.

Prosecution for
offences under
other laws.

66. Subject to the provisions contained in section 300 of the Code of Criminal Procedure, 1973, nothing in this Act shall be construed as preventing any person from being prosecuted and punished under any

other law, for the time being in force, for anything made punishable by this Act.

Summary disposal of certain cases.

67. (1) A court taking cognizance of an offence punishable under sections 52, 53, 54 and 55 may state, upon the summons to be served to the accused person, that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter, and remit to the court such sum as the court may specify.

(2) Where an accused person pleads guilty and remits the sum specified in the summons under sub-section (1), no further proceedings in respect of the offence shall be taken against that person.

Recovery of penalties and fines imposed by Magistrates.

68. Provisions of sections 64 to 70 of the Indian Penal Code, 1860 and sections 386 to 389 of the Code of Criminal Procedure, 1973 shall apply to penalties and fines imposed under this Act on conviction before a Magistrate.

45 of 1860.
2 of 1974.

CHAPTER-X MISCELLANEOUS PROVISIONS

Disposal of fees and rewards.

69. All fees paid for licences or written permission issued under this Act and all sums paid for the service of processes by Police Officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police Officers as informers shall, save in so far as any such fees or sums belong under the provisions of any enactment, for the time being in force, to any local authority, be credited to the State Government:

Provided that with the sanction of the State Government or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police Officer, or be divided amongst two or more Police Officers or for furtherance of organizational objective.

Method of proving of orders and notifications.

70. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof may be proved by the publication of a copy thereof in the Official Gazette or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true

copy of an original published or issued according to the provisions of the Act applicable thereto.

Validity of rules and orders.

71. No rule, regulation, order, direction or notification made or published and no adjudication, inquiry or act done under any provision of this Act or under any rules made thereunder, which is in substantial conformity with the same, shall be deemed illegal, void or invalid by reason of any defect of form.

Officers holding charge of or succeeding to vacancies competent to exercise powers.

72. Whenever, in consequence of the office of a Police Officer becoming vacant, any officer holds charge of such Police Officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Police Officer.

Licences and written permissions to specify conditions, and to be signed.

73.(1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which and the conditions and restrictions subject to which, the same is granted and shall be given under the signature of the competent authority and such fee than be charged therefor as may be prescribed.

(2) Any licence or written permission granted under this Act, may at any time, be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

(4) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable times, produce the same, if so required by a Police Officer.

Explanation.— For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission

has been granted, shall be deemed to be infringement or evasion by, or as the case may be, conviction of the person to whom such licence or written permission has been granted.

Public notices, how to be given.

74. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable:

Provided *that* the competent authority may, on being satisfied that it is in public interest to bring any regulation into force with immediate effect, make such direction or regulation without such publication.

Consent of a competent authority may be proved by writing under his signature.

75. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Power to make rules.

76. The State Government may make rules for carrying out the purposes of this Act.

Power to remove difficulties.

77. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions as it deems necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of two years from the date of the commencement of this Act.

(2) Every notification issued under this section shall, as soon as may be after it is issued, be laid before the Legislature of the State of Odisha.

Persons aggrieved may apply to State Government to annul, reverse or alter any rule or order.

78. In the case of any rule or order made by the State Government under an authority conferred by this Act requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any aggrieved person to make a

representation to the State Government to annul, reverse or alter the aforesaid rule or order.

Repeal and
saving.

79.(1) The Police Act, 1861, in its application to the State of Odisha, and the Odisha Special Armed Police Act, 1946 shall be deemed to be repealed from the date from which this Act comes into force.

5 of 1861.

Odisha Act
7 of 1946.

(2) From the date, this Act comes into force, any provision of the Acts so repealed or rules framed thereunder, being repugnant, or inconsistent or contrary to the provisions of this Act, shall cease to be in force.

(3) The repeal of the above Acts will not effect the previous operation of the enactments so repealed and anything done or action taken or deemed to have been taken (including any appointment or delegation made or notification, order, direction or notice issued) rules or regulations made under the provisions of those repealed Acts shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under corresponding provisions of this Act and shall continue to be in force unless and until superseded by anything done or any action taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Police set up of the State needs to be reorganized and professionally equipped to meet the challenges of present times. The Government is also committed to provide quality police service to the citizens, particularly women, children, minorities and other disadvantaged sections of the society. A people friendly attitude needs to be inculcated amongst the police personnel.

The Hon'ble Supreme Court of India vide their order dt.27.9.2006 in writ petition (C) No.310/96 (Prakash Singh and Others Vrs. Union of India) had also issued directions for enactment of Police Acts by different States incorporating various guidelines for ensuring professional skills, quality policing and accountability.

The proposed legislation therefore aims at redefining the role of police, its duties and responsibilities, taking into account the emerging challenges of policing and security of the State, imperatives of good governance and respect for human rights and to enable the police to function as an efficient, effective, people friendly and a responsive organisation.

Presently, provisions of the Police Act, 1861 are being followed in case of recruitment, posting, disciplinary matters and other ancillary matters of the police personnel. Similarly, the provisions of the Odisha State Armed Police Act, 1946 are being followed in case of enrolment and discharge, disciplinary matters and other ancillary matters of armed police force. By enacting the present legislation, the matters provided in these two Acts will be compiled together in a single new law, the Director General of Police being the head of the police force.

The Bill seeks to achieve the above objectives.

NAVEEN PATNAIK

Member-in-Charge

A. K. SARANGI

Secretary

Odisha Legislative Assembly